

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,876	03/31/2004	Martin Popp	INF-143	4573
48154 75	590 12/13/2005		EXAMINER	
SLATER & MATSIL LLP			SCHILLINGER, LAURA M	
17950 PRESTON ROAD SUITE 1000 DALLAS, TX 75252			ART UNIT	PAPER NUMBER
			2813	
			DATE MAILED: 12/13/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
•	0	10/812,876	POPP ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Laura M. Schillinger	2813			
Period	The MAILING DATE of this communication app for Reply	ears on the cover sheet with the c	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	Responsive to communication(s) filed on 10 No.	<u>ovember 2004</u> .				
	☐ This action is FINAL. 2b) ☐ This action is non-final.					
3)∟	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 43	03 U.G. 213.			
Dispos	ition of Claims					
5) 6) 7)	Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-15 are subject to restriction and/or expressions.	vn from consideration.				
Applica	ition Papers					
9)☐ The specification is objected to by the Examiner.						
10)⊡	The drawing(s) filed on is/are: a)☐ acc					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
	under 35 U.S.C. § 119					
12)[ε	Acknowledgment is made of a claim for foreign All b Some * c None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority documents Application from the International Bureau See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage			
Attachme	• •	_				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) 🔲 Info	per No(s)/Mail Date		Patent Application (PTO-152)			

Art Unit: 2813

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1, claims 1-13, pertaining to a method including using encapsulated gate structures as a mask for self-aligned contact connection of the transistors in a first section;

Species 2, claim 14, pertaining to a method including simultaneously doping the gate electrode and source and drain regions of a first subset of transistors within a second section;

Species 3, claim 15, pertaining to a method including a second dielectric layer which are formed as a cover structure remaining in the gate structures during formation of spacers.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

Application/Control Number: 10/812,876

Art Unit: 2813

the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697.

The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2813

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vaccea Mifeley
12/05/05

Laura M Schillinger Primary Examiner Art Unit 2813